

Notice of Allowability

Application No.

10/648,902

Examiner

F. Daniel Lopez

Applicant(s)

POLCUCH, ERIC A.

Art Unit

3745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-13.
3. ☒ The drawings filed on 27 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date ____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date ____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other ____. |

EXAMINER'S AMENDMENT

An Examiner's Amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 C.F.R. § 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the Issue Fee.

The claims has been amended as follows:

In claim 12 line 1 --pressure regulating-- has been added before "valve", to differentiate it from the 3 way pilot valve of claim 9. The valve must be the pressure regulating valve, since the "first spool end chamber" (line 2) is the same as that in claim 5 line 1-2.

REASONS FOR ALLOWANCE

The following is an Examiner's Statement of Reasons for Allowance: the combination of elements as claimed is deemed to be directed to an unobvious improvement over the invention patented by Kandil. Kandil discloses a pressure control device comprising a pressure regulating valve (34) operatively interposed between a source of pressurized fluid (14), a fluid return (13) and a pressure port (30) of a variable displacement (e.g. column 4 line 15-16) hydraulic motor (20); wherein the pressure regulating valve maintains a predetermined pressure (by check valve 112) at the pressure port, when the flow is in one direction (from port 18 to port 30), and prevents cavitation (by opening flow between 86 and 96) in the opposite direction of flow; but does not maintain the predetermined pressure in the opposite direction of flow.

The difference comprises that the pressure regulating valve of the instant invention maintains a predetermined pressure at the pressure port, regardless of the direction of flow through the pressure port.

Any comments considered necessary by applicant must be submitted no later than the payment of the Issue Fee and, to avoid processing delays, preferably **accompanies** the Issue Fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

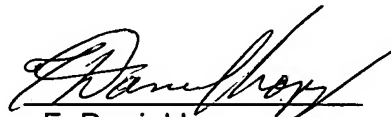
Art Unit: 3745

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hamilton refers to a pressure valve connected to a source of pressurized fluid (12), a fluid return (18) and a pressure port of a variable displacement hydraulic motor (e.g. 30). Satake teaches the equivalence of a constant displacement hydraulic motor (30 e.g. fig 1) and a variable displacement hydraulic motor (82, e.g. fig 2). Herndon discloses a pressure control device comprising a pressure regulating valve (38) operatively interposed between a source of pressurized fluid (e.g. line 4 of pump 2), a fluid return (e.g. line 6 of pump 2) and a pressure port of a hydraulic motor (e.g. connected to 16); which maintains a predetermined pressure at the pressure port, when the flow is in one direction (e.g. column 4 line 54-64), but not in the opposite direction of flow.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dan Lopez whose telephone number is 571-272-4821. The examiner can normally be reached on Monday-Thursday from 6:15 AM -3:45 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ed Look, can be reached on 571-272-4820. The fax number for this group is (703) 872-9306. Any inquiry of a general nature should be directed to the Help Desk, whose telephone number is 1-800-PTO-9199.



F. Daniel Lopez
Primary Examiner
Art Unit 3745
April 04, 2005